

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AARON DOYLE,

Plaintiff,

v.

WILLIAM GONZALES; DAN W.  
DOPPS; SCOTT D. JONES; and  
the CITY OF QUINCY,  
WASHINGTON,

Defendants.

NO. CV-10-0030-EFS

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR RECONSIDERATION ON  
ORDER DECLINING JURISDICTION  
OVER STATE LAW CLAIMS IN  
AMENDED COMPLAINT**

Before the Court, without oral argument, is Plaintiff Aaron Doyle's Motion for Reconsideration on Order Declining Jurisdiction over State Law Claims in Amended Complaint, ECF No. [462](#). On October 5, 2011, the Court granted Plaintiff leave to amend his Complaint to add 1) factual allegations relating to his previously-asserted 42 U.S.C. § 1983 First-Amendment-based retaliation claims and 2) three new federal claims, but declined to exercise supplemental jurisdiction over the two newly-proposed state-law negligent-supervision and negligent-retention claims. ECF No. [461](#). Following the Order, Plaintiff filed the instant reconsideration motion, which asks the Court to reconsider its decision declining supplemental jurisdiction over the state-law claims. Defendants oppose Plaintiff's motion because 1) the state-law claims are unrelated to the federal claims, 2) amendment is untimely, and 3)

1 amendment will require a continuance of the current trial schedule. ECF  
2 No. [493](#).

3 As the Court set forth in its October 5, 2011 Order, a party may  
4 amend his complaint after a responsive pleading has been served "only  
5 with the opposing party's written consent or the court's leave." Fed.  
6 R. Civ. P. 15(a)(2). Because Defendants oppose amendment, Court leave  
7 is required. The Court should freely allow amendment if justice requires  
8 such after considering the *Foman* factors, including undue delay, bad  
9 faith, dilatory motive, undue prejudice, repeated failure to cure  
10 deficiencies, and futility, under the totality of the circumstances.  
11 *Foman v. Davis*, 371 U.S. 178, 182 (1962). "Absent prejudice, or a strong  
12 showing of any of the remaining *Foman* factors, there exists a *presumption*  
13 under Rule 15(a) in favor of granting leave to amend." *Eminence Capital,*  
14 *LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (citing *Lowrey*  
15 *v. Tex. A & M Univ. Sys.*, 117 F.3d 242, 245 (5th Cir. 1997) (emphasis in  
16 original)).

17 Because many of the same underlying events and players are involved  
18 in both Plaintiff's federal and state claims and given the concern that  
19 Plaintiff's state claims may be time barred in state court, the Court  
20 finds justice requires granting leave to amend to add the state-law  
21 claims. The Court recognizes that this may prejudice Defendants by  
22 requiring a delay of the trial date. However, discovery has been  
23 extensive in this lawsuit and it is likely that much of the discovery  
24 needed in relation to the state claims has already occurred. Defendants,  
25 of course, may seek relief from the current trial schedule upon a showing  
26 of good cause. Accordingly, the Court grants Plaintiff's reconsideration

1 motion and accepts supplemental jurisdiction over the state-law claims.  
2 28 U.S.C. § 1367(c)(2).

3 For the above-given reasons, **IT IS HEREBY ORDERED:**

4 1. Plaintiff Aaron Doyle's Motion for Reconsideration on Order  
5 Declining Jurisdiction over State Law Claims in Amended Complaint, **ECF**  
6 **No. [462](#)**, is **GRANTED**.

7 2. Plaintiff shall promptly file his proposed amended complaint.

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
9 this Order and to furnish copies to counsel.

10 **DATED** this 8th day of November 2011.

11  
12 s/Edward F. Shea  
13 EDWARD F. SHEA  
United States District Judge

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